

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DONNA CONRAD, individually and
on behalf of a class of similarly situated
individuals,

Plaintiff,

v.

VIRGIN MOBILE USA, INC., a Delaware
Corporation, FLYCELL, INC., a Delaware
Corporation,

Defendants.

Case No. 08 CV 4986

Hon. Robert M. Dow, Jr.

Magistrate Judge Cox

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER
OR OTHERWISE PLEAD IN RESPONSE TO PLAINTIFF'S COMPLAINT**

Defendant Flycell, Inc. ("Flycell"), by and through its attorneys Winston & Strawn LLP, hereby moves this Court, under Fed. R. Civ. P. 6(b), for an extension of time to answer or otherwise plead in response to Plaintiff Donna Conrad's ("Plaintiff") Class Action Complaint, and in support thereof states as follows:

1. Plaintiff filed her Class Action Complaint in the Circuit Court of Cook County, Illinois. Flycell removed the case to this Court on September 2, 2008.

2. Under Federal Rule of Civil Procedure 81(c)(2), Flycell is required to answer or otherwise plead in response to Plaintiff's Class Action Complaint by September 9, 2008 (five days after removal).

3. Flycell is in the process of investigating the allegations contained in the Class Action Complaint so that it may fully address, and defend itself against the claims asserted in the Class Action Complaint.

4. On September 2, 2008, counsel for Plaintiff agreed to an extension of time for Flycell to answer or otherwise plead in response to Plaintiff's Class Action Complaint. Counsel for Plaintiff also indicated that they intended to file a motion seeking to remand this case to the Circuit Court of Cook County, Illinois.

5. In light of the anticipated motion for remand, Counsel for Plaintiff agreed to an extension of time for Flycell to answer or otherwise plead until thirty (30) days after that motion is decided.

6. Flycell respectfully requests that this Court extend its time to answer or otherwise plead in response to Plaintiff's Class Action Complaint to a date thirty (30) days after the Court rules on Plaintiff's anticipated motion to remand.

7. Co-defendant Virgin Mobile USA, Inc. does not oppose Flycell's Agreed Motion for Extension of Time to Answer or Otherwise Plead. Plaintiff and Co-defendant Virgin Mobile have further stipulated to a similar extension to facilitate possible settlement of this and related matters.

8. Flycell's motion is not brought for purposes of needlessly delaying the proceedings and will not prejudice any party. This is the first request for any such extension of time by Flycell in this matter.

WHEREFORE, Flycell respectfully requests that this Court grant its motion for an extension of time allowed to answer or otherwise plead in response to Plaintiff's Class Action Complaint to a date thirty days after the Court rules on Plaintiff's anticipated motion to remand.

Dated: September 5, 2008

Respectfully submitted,

FLYCELL, INC.

By: /s/James F. Herbison
One of Its Attorneys

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Attorneys for Flycell, Inc.

CERTIFICATE OF SERVICE

The undersigned, an attorney for Defendant Flycell, Inc. hereby certifies that a copy of the foregoing AGREED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD IN RESPONSE TO PLAINTIFF'S COMPLAINT was served on September 5, 2008 on the following counsel by Federal Express or Electronic Filing using the CM/ECF system, as follows:

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Dated: September 5, 2008

/s/James F. Herbison

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